



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

LTG

*610 Federal Plaza  
Central Islip, New York 11722*

November 11, 2019

**UNDER SEAL**

**VIA ECF**

The Honorable Joan M. Azrack  
United States District Court  
Eastern District of New York  
924 Federal Plaza  
Central Islip, New York 11722

Re: United States v. McPartland and Spota  
Criminal Docket No. 17-CR-587 (JMA)

Dear Judge Azrack:

The government respectfully submits this letter in response to the Court's November 9, 2019 Order, specifically, the portion of Order in which the Court requested that the government outline all of the evidence it seeks to admit concerning the Levy investigation, namely:



Steve Levy

Jim Hickey will testify that, as early as 2006, defendants Spota, McPartland and James Burke, and on occasion Bill Madigan, regularly discussed "getting rid of" then County Executive Steve Levy, as Levy was widely known to be "anti-cop." In particular, Hickey will describe a 2006 dinner at a steak house in Great Neck at which Hickey, Spota, McPartland and Burke discussed their hatred of Steve Levy and ways to get rid of him. The purpose of "killing" Levy was to replace him with a friendly County Executive who would then allow the group to hand-select a new police commissioner, ensuring that they (Spota,

McPartland and Burke) would control the police department. These types of discussions occurred regularly between 2006 and 2010.

Then, in late 2010, early 2011, Burke advised Hickey that he and the SCDA's office were actively investigating Levy, however, Burke did not provide specifics. Next, in March 2011, Hickey will testify that Levy publically announced that he was not going to seek reelection in November 2011. Further, Levy agreed to turn over his \$4,000,000+ reelection campaign fund to the DA's office, apparently for disbursement to those who had contributed, as he was no longer running for office.

Shortly thereafter, in March or April 2011, in celebration of the "win," Hickey will testify that he, Spota, McPartland, Burke and many others celebrated "killing Levy" at the restaurant Butterfields. Hickey will testify that he was at the bar with Spota, McPartland and Burke when Burke began to recount how "they" were able to get rid of Levy.

According to Burke, McPartland was in charge of the investigation.

After that night, Hickey will testify that Burke proudly bragged about this coup, often introducing defendant McPartland to police officers as "the man who killed Steve Levy," a designation that McPartland embraced. Similarly, another high-ranking former SCPD police officer, Dennis Sullivan, will testify that he also heard Burke introduce McPartland as "the man who killed Steve Levy," and what that meant.

Burke, Spota and McPartland proudly bragged that [REDACTED] and took down an extremely popular and duly elected County Executive, because Levy was an "enemy."

Ultimately, Hickey will testify that after learning this, he decided that he would never become an enemy of Burke, Spota or McPartland, thus, when asked to cover-up Burke's assault of Loeb, Hickey understood the consequences he would suffer if he declined. In other words, the Levy investigation, as recounted by Burke had a tremendous impact on Hickey's state of mind during the charged conspiracy.

For all of these reasons, this Levy investigation is relevant, admissible and Hickey and Sullivan should be permitted to offer testimony in that regard.

Respectfully submitted,

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United States Attorney

By: /s/  
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cc. Defense Counsel